



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

March 22, 2022

Via ECF

The Hon. John L. Sinatra, Jr.
United States District Court Judge
U.S. District Court - Western District of New York
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: Meadors, Carlanda D., et al. v. Erie County Board of Elections
Our File No.: 10-20210016
Case No.: 21-cv-982 JLS

Dear Judge Sinatra:

We represent Defendant Erie County Board of Elections in this matter. We write to request a three-week extension, to Tuesday, April 12, 2022 to answer or otherwise respond to the complaint in this case. The extension will permit the parties to confer on the most efficient way to litigate this case, which has just been returned to this Court from the Second Circuit. Plaintiff has consented to this extension.

The complaint in this case was served on August 31, 2021. After Plaintiffs' request for a preliminary injunction was granted, a notice of appeal was filed on September 7, 2021, which divested this Court of jurisdiction and paused the 21-day period for Defendant to answer or otherwise respond. By that time, seven days had run from service of the Complaint. Defendant had not yet answered or otherwise responded to the complaint under Rule 12.

On appeal, the Second Circuit stayed the preliminary injunction. On March 8, 2022, that court dismissed the appeal as moot, vacated the injunction order, and returned the case to this Court. The time to respond to the Complaint began once again. By the parties' calculation, a response to the complaint is due March 22, 2022.

The Hon. John L. Sinatra, Jr.
March 22, 2022
Page 2

The Board now requests a three-week extension, to and including April 12, 2022. Plaintiff consents to the request. The additional time will permit the parties to reassess the case now that it has been returned from the Court of Appeals.

Thank you for your attention to this matter.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: /s/ Jeremy C. Toth
Jeremy C. Toth
First Assistant County Attorney
Direct Dial: (716) 858-2204
E-mail: jeremy.toth@erie.gov

JCT/dld

cc: Bryan L. Sells, Esq.
Frank C. Callocchia, Esq.
Sean E. Cooney, Esq.
Frank Housh, Esq.
(all via ECF)

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2022, I electronically filed the foregoing letter to the Hon. John L. Sinatra, Jr. with the Clerk of the District Court for the Western District of New York, using its CM/ECF system. The following participants received notice via CM/ECF:

Bryan L. Sells, Esq.
The Law Office of Bryan L. Sells, LLC
PO Box 5493
Atlanta, Georgia 31107-0493
bryan@bryansellsllaw.com

Frank C. Callocchia, Esq.
Callocchia Law Firm, PLLC
16 Bidwell Parkway
Buffalo, New York 14222
frank@callocchialaw.com

Sean E. Cooney, Esq.
Dolce Firm
1260 Delaware Avenue
Buffalo, New York 14209
scooney@dolcefirm.com

Frank Housh, Esq.
70 Niagara Street
Buffalo, New York 14202
frank@houshlaw.com

Dated: Buffalo, New York
March 22, 2022

Respectfully submitted,

MICHAEL A. SIRAGUSA, ESQ.,
Erie County Attorney and Attorney for Defendant
Erie County Board of Elections

By: /s/ Jeremy C. Toth, Esq.
First Assistant County Attorney, of Counsel
95 Franklin Street, Room 1634
Buffalo, New York 14202
(716) 858-2204 (direct)
(716) 858-2208 (office)
Email: jeremy.toth@erie.gov